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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/810,118   | 03/25/2004  | Jayasimha Nugechalli | 49986-0536          | 8047             |
| 29/89 7590 12/16/2008<br>HICKMAN PALERMO TRUONG & BECKER, LLP<br>2055 GATEWAY PLACE<br>SUITE 550<br>SAN JOSE, CA 95110 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| MOUTAOUAKIL, MOUNIR  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2419   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 12/16/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,118

**Applicant(s)**

NUGGEHALLI ET AL.

**Examiner**

MOUNIR MOUTAOUKIL

**Art Unit**

2419

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, and 13-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 08-26-2008 has been entered and considered.  
Claims 1-11, and 13-14 are pending in this application.  
Claim 12 is canceled.  
Claims 1-11, and 13-14 remain rejected as discussed below.

### ***Claim Rejections - 35 USC § 103***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-6, and 8-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Miida et al (US 2002/0049839) in view of Dunmore et al (US 7,302,444). Hereinafter referred to as Miida and Dunmore.

Regarding claim 1. Miida discloses an apparatus for processing network device status data (Fig.1, 100). The apparatus comprises a storage device comprising configuration data stored thereon, wherein the configuration data indicates both: a data format supported by each of a plurality of recipient devices (paragraph [0139]. Element 100 receives data using PSTN format and transmits data to the intended receivers using either e-mail or webpage depending on the user terminal), and how to convert network device status data that conforms to a first data format into each of the data formats supported by the plurality of recipient devices (100 converts incoming data from PSTN format to be transmitted as e-mail (SMTP) or a webpage (http), which are different formats); a conversion mechanism configured to process the network device status data that conforms to the a-first data format (the incoming statuses are receives through a PSTN network, 1<sup>st</sup> format) and generate based upon the configuration data and the network device status data, report data that conforms to the data format supported by each of the plurality of recipient devices (status data is then converted and transmitted to the intended recipients using either e-mail or webpage depending on the format supported by the receiver), wherein the report data includes identification data that uniquely identifies an intended recipient device so that the report data may be routed to each recipient device from the plurality of recipient devices(see Fig.2, element

22. Paragraph 156, where each recipient is contacted or informed based on there unique recipient ID)

Miida discloses all the limitations of the claimed invention with the exception that the formats supported by the recipients are different from one to another, and the storage device stores each recipient format within, and that reports are routed to a recipient from a plurality of recipients. However, Dunmore, from the same field of endeavor, discloses a database capable of storing each recipient's format information in order to forward reports with respect to the format saved within and for forwarding reports to specific recipients from a plurality of recipients (see col.5 lines 40-49 and abstract). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the method of storing each recipient's format information, as taught by Dunmore, within the reporting element of Miida for the purpose delivering network reports to different recipients efficiently.

Regarding claim 2. Miida discloses an apparatus wherein the network device status data is received by the apparatus directly from a plurality of multi-function peripherals that each performs one or more of printing, copying, faxing and scanning (see figure 1, where the status is received from a copy machine. See page 10, paragraph 250, where the invention disclosed is applicable to printers facsimile machine, and the like).

Regarding claim 3. Miida discloses an apparatus wherein the network device status data specifies one or more of consumable levels, a meter reading or need for a

service call (see page 8 paragraphs 186 and 208. the status data can be related to expandable supply such as paper, staples, ink level...).

Regarding claim 4. Miida discloses an apparatus wherein the network device status data is received by the apparatus from a status data server that collects network device status data from a plurality of network devices (see figure 2, element 110 is interpreted as a status data server).

Regarding claim 5. Miida discloses an apparatus wherein the network device status data received by the apparatus is encrypted and the apparatus is configured to decrypt the network device status data (see page 7, paragraphs 171-173, status data is transmitted from element 400 to 100. the data is transmitted through PSTN, which indicate that the data is transmitted using a code or an encryption method).

Regarding claim 6. Miida discloses an apparatus wherein the conversion mechanism is configured to generate the report data in either XML or CSV format (see page 10, paragraph 244, and figure 2. element 20 executes the CGI program and creates a web page data using any format. XML and CSV are different type of formats to create data on a web pages or intranets).

Regarding claim 8. Miida discloses an apparatus wherein the apparatus is configured to generate both first report data conforms to a first data format supported by a first recipient device from the plurality of recipient devices and second report data conforms to a second data format supported by a second recipient device from the plurality of recipient devices, and provide the first report data to the first recipient device and the second report data to the second recipient device (see figure 1 and first

embodiment of the art used. Each copier is associated with a user. Whenever, a report data is generated, element 100 informs the associate recipient with the status of the copier. Therefore it provides the first report data to the first recipient device and the second report data to the second recipient device. Moreover, the system uses two different formats: email and webpage).

Regarding claim 9. Miida discloses an apparatus wherein the apparatus is configured to provide the report data to the plurality of recipient devices using one or more Internet protocols including SMTP, HTTP, HTTPS and FTP (figure 1, where the recipient is informed an e-mail or a webpage. see paragraph 311, internet protocol includes HTTP).

Regarding claim 10. Miida discloses an apparatus wherein the apparatus is configured to provide the report data to the plurality of recipient devices based upon a schedule (see paragraph 228, where element 100 is configured to provide the report data to the recipient or recipients whenever the copier is intensively used during a predetermined time frame).

Regarding claim 14. Miida discloses an apparatus that further comprises a storage device for storing the recipient device status data (see paragraph 173, where the status data received is collected and stored in the customer data base and classified customer by customer).

Regarding claim 11. Miida discloses an apparatus wherein the apparatus is configured to provide the report data at a first time to a first recipient device from the plurality of recipient devices and to provide the report data at a second time to a second

recipient device from the plurality of recipient devices, wherein the first and second times are different (see figure 1, figure 2, and paragraph 156. Each element 500 is related to an office 200, element 100 provide report data to element 500n at a given time, because 500n is associated with a 200n. Element 100 provides data status to the 500n, from the associated 200n, as soon as data is received from 200n. Therefore, the processor of 100 processes status data of each 200n, one at a time).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miida in view of Dunmore and further in view of Krishnaprasad et al (US 2002/0099687).

Hereinafter referred to as Krishnaprasad.

Regarding claim 7. Miida discloses all the limitations of claim 1.

Miida does not disclose that the apparatus wherein the network device status data is XML data that conforms to a first XML schema and the report data is XML data that conforms to a second XML schema. However, Krishnaprasad discloses a method of using different XML schema (paragraph [0061]. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the XML format for the status data and report data into the report system of Miida for the purpose of having more flexibility and extensibility.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miida in view of Dunmore and further in view of McGlade (US 6,411,598).

Regarding claim 13. Miida discloses all the limitations of claim 1.

Miida does not disclose an apparatus wherein the apparatus is configured to provide a notification if a receipt confirmation indicating receipt of the report data is not



received from a particular recipient device from the plurality of recipient devices. However, McGlade discloses a method of detecting transmission failure and a method of sending a notification message whenever a specific recipient is capable of receiving the original message (see column 11, lines 42-52). Thus, it would have been obvious, to a person of ordinary skill in the art at the time of the invention to implement the method of detecting transmission failure and a method of sending a notification message whenever a specific recipient is capable of receiving the original message, as taught by McGlade, into the report system of Miida for the purpose of improving system reliability and customer service.

### ***Response to Arguments***

7. Applicant's arguments filed 08-26-2008 have been fully considered but they are not persuasive.

Applicants argue that the prior art of record Miida in view of Dunmore individually or in combination fail to teach "indicating data format supported by each of a plurality of recipient devices, wherein the data format supported by each of the plurality of recipient devices is different than the data formats supported by the other recipient devices from the plurality of recipient devices".

Examiner respectfully disagrees. As indicated in the previous office action, Miida does not teach the argued limitation. However, Dunmore clearly teaches that, as indicated in the background of Dunmore col.1, lines 29-32, col.5, lines 40-49 and abstract, different users prefer a different format to receive reports. Thus, the possibility that each user can support/request a different format that might not be supported by

other users is feasible. Moreover, the claim language does not clearly define a data format.

Applicants also argue that the prior art of record, individually or in combination fails to teach that "the report data may be routed to each recipient device from the plurality of recipient devices".

Examiner respectfully disagrees, recipients are contacted through the internet, which include many network element equipped to route messages from one node to another until it reaches its final destination as indicated by the IP address (internet routing standards).

Moreover, It has been held that the recitation that an element is "may be" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Furthermore, during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation".

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of. The art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and

pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOUNIR MOUTAOUKIL whose telephone number is (571)270-1416. The examiner can normally be reached on Monday-Thursday (1pm-4:30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./  
Examiner, Art Unit 2419

/Hassan Kizou/  
Supervisory Patent Examiner, Art Unit 2419